

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

GELICITY UK LIMITED,

Plaintiff,

v.

A & J LINGERIE and EAU ZONE OILS &  
FRAGRANCES LTD. D/B/A SHUNGA,

Defendants.

15-cv-5912

COMPLAINT

Jury Trial Demanded

**The Parties**

1. Plaintiff is a United Kingdom corporation with offices located at Units G40 & G41, Ashmount Enterprise Park, Aber Road, Aber Industrial Estate, Flint CH6 5YL, UK.

2. Upon information and belief, Defendant A & J Lingerie is an unincorporated business entity with a place of business at 41 W 28th St, # 1, New York, NY 10001-4238.

3. Upon information and belief, Defendant Eau Zone Oils & Fragrances Ltd. d/b/a Shunga (“Shunga”) is a Canadian corporation with a place of business at 1625 Chabanel Street West, Suite 825, Montreal (Quebec), Canada H4N 2S7.

**Nature Of Action**

4. This is an action for infringement of a United States patent, U.S. Pat. No. 6,281,177, under 35 U.S.C. § 271.

**Jurisdiction And Venue**

5. Subject matter jurisdiction is proper pursuant to 28 U.S.C. § 1331 and 1338.

6. Personal jurisdiction is proper as to Defendant A & J Lingerie under CPLR § 301, as this Defendant resides within New York State.

7. Personal jurisdiction is proper as to Defendant Shunga under CPLR § 302(a)(1)
8. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1) and (2).

### **Facts**

9. Plaintiff is owner of U.S. Pat. No. 6,281,177 (the “‘177 Patent”).
10. The ‘177 Patent is directed generally to a bath gelling agent. The ‘177 Patent generally claims a bath gelling agent comprising, in certain claimed ratios, sodium polyacrylate, ascorbic acid and L-menthol.
11. Plaintiff sells commercial embodiments of the ‘177 Patent, which are marked in accordance with 35 U.S.C. § 287.
12. Defendant Shunga manufactures and/or distributes at wholesale certain bath gelling agents under the mark “Shunga Lovebath”. The Shunga Lovebath product includes all elements of one or more claims from the ‘177 Patent, including without limitation sodium polyacrylate, ascorbic acid and L-menthol, or their legal equivalents, in the ratios claimed in the ‘177 Patent.
13. Upon information and belief, Defendant A & J Lingerie purchases the Shunga Lovebath product at wholesale from Defendant Shunga in New York state specifically for retail sale at A & J Lingerie’s New York City retail location.
14. Defendants offer for sale, sell and otherwise distribute the infringing product without Plaintiff’s consent or other right to do so.

### **First Count Patent Infringement As To All Defendants**

15. Plaintiff realleges the allegations contained in the above paragraphs as if stated fully herein.

16. By virtue of importing, offering for sale, selling and distributing the Shunga Lovebath product, each Defendant infringes the '177 Patent in violation of 35 U.S.C. § 271.

17. Each Defendant, having been put on constructive notice of Plaintiff's patent rights, and each further continuing to infringe such rights, have willfully and intentionally infringed Plaintiff's '177 Patent.

18. Plaintiff has been and continues to be harmed by such infringement.

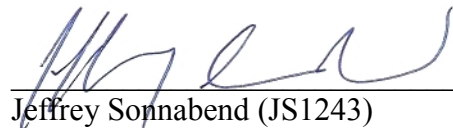
**Prayer For Relief**

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in favor Plaintiff:

- a. awarding actual damages to Plaintiff for each Defendant's patent infringement under 35 U.S.C. § 284, in an amount to be determined, but in no event less than a reasonable royalty;
- b. awarding exemplary damages to Plaintiff in an amount equal to three times the actual damages and profits awarded pursuant to 35 U.S.C. § 284;
- c. awarding Plaintiff its costs and attorneys' fees pursuant to 35 U.S.C. § 285;
- d. permanently enjoining each Defendant pursuant to 35 U.S.C. § 283 from importing, offering for sale and selling any product which infringes plaintiff's patent rights; and
- e. providing all other equitable relief that the Court deems just and proper.

Dated: July 28, 2015

Plaintiff Gelicity UK Limited  
by its attorney,

A handwritten signature in blue ink, appearing to read "JS", is written over a horizontal line.

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